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Security Council Committee established pursuant to resolution 1267 (1999)

Letter dated 24 July 2003 from the Permanent Representative of Israel to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of Israel to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999), and with reference to his note of 7 July 2003 has the honour to submit herewith the report by the Government of the State of Israel called for under paragraph 6 of resolution 1455 (2003).

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

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Annex to the letter dated 24 July 2003 from the Permanent Representative of Israel to the United Nations addressed to the Chairman of the Committee

In response to Security Council resolution 1455 (2003), the State of Israel submits its report regarding the steps that it has taken to implement the resolution.

General

Israel has extensively detailed the measures it has taken to combat international terrorism in its report to the Counterterrorism Committee of the Security Council in compliance with Security Council Resolution 1373 (2001). This report was circulated as UN document S/2001/1312 of 31 December 2001, and further clarifications were provided in document S/2002/871 of 24 July 2002. All measures detailed in the Report, apply to Al Qaida and its members, as appropriate.

1. **What measures have been applied to the individuals, groups, undertakings and entities associated with the Taliban and Al Qaida in order to freeze funds and financial assets and other economic resources?**

a. On 4 October 2001, the Minister of Defense of the State of Israel declared Al Qaida an unlawful association in accordance with Regulation 84 (1)(b) of the Defense Regulations (State of Emergency), 1945. The legal effect of this declaration is detailed in S/2001/1312 in paragraphs 1(b)3 and 1(c)2 and determines that fundraising for such an association is a criminal offence. In addition, a person in possession of property, a bank account, or a deposit on behalf of the association must notify the Minister of Finance within 48 hours. The Minister of Finance is authorized to confiscate such property.

The Regulations furthermore grant authority to enter any premises in which there is cause to believe that there is such property or documents relating to such property, and to confiscate or seize them.

b. On 4 August 2002, the Government of Israel declared Al Qaida a terrorist organization, pursuant to the Prevention of Terrorism Ordinance, 1948. Accordingly, the provisions detailed in S/2001/1312 paragraphs 1(b)1 and 1(c)1 apply. Accordingly, a person who gives money or something of value for the benefit of a terrorist organization is guilty of a crime and is liable to be imprisoned and/or fined. The same applies to a person who puts a place or an article at the disposal of anyone in order that such place or article may serve a terrorist organization or a member of a terrorist organization or its members.

The Ordinance further stipulates that any property of a terrorist organization shall be confiscated. Such property may be subjected to an attachment order by decision of the Inspector General of the Police. The Ordinance provides for an evidentiary presumption that property located on the premises of a terrorist organization is the property of a terrorist organization.

Between 2000-2003, Israel foiled several attempts by Al Qaida to establish a military infrastructure in areas under control of the Palestinian Authority. Al Qaida has been using Palestinians to recruit others for activities by the organization.

The Palestinians were recruited during visits abroad, were trained, provided with financing, and instructed to establish an infrastructure in areas under control of the Palestinian Authority in order to carry out terror attacks in Israel. These Palestinians were apprehended by Israel – in some cases after they had already begun recruiting others for their activities – and subsequently were tried and sentenced. Israeli security forces carry out, on a regular basis, intelligence and operational activities in order to locate individuals being recruited by Al Qaida.

Since 2001, there have been several attempts by Al Qaida operatives carrying foreign passports to penetrate Israel in order to gather intelligence and carry out terror attacks. Israel prevented these attempts, and information concerning them was conveyed to relevant foreign intelligence services. Against the background of this *modus operandi* by Al Qaida, security checks at entry points into Israel have been tightened, and criteria for entry into Israel have been reinforced.

In the wake of the September 2001 terrorist attacks in the United States, there have been notable Al Qaida propaganda activities in Palestinian-controlled areas. Examples include leaflets signed by "the Bin Laden Brigades in Palestine", inciting to "*jihad*" against Jews and promising to continue "in the footsteps of Osama Bin Laden." Israeli security forces carry out various intelligence operations on a regular basis, with a view to locating those responsible for the distribution of these leaflets.

2. **What measures have been applied to the individuals, groups, undertakings and entities associated with the Taliban and Al Qaida in order to prevent entry into or transit through Israel?**

The consolidated lists pursuant to paragraph 4(b) of Resolution 1267 (1999), pages 1-4, and paragraph 8(c) of resolution 1333 (2000) pages 5-12 which contain the names of known Taliban and Al Qaida officials are included in the list of individuals who may not receive a visa to Israel, or enter Israeli territory. The border control authorities are notified as the lists are updated. Were an individual included in such lists to request a visa from an Israeli representation abroad, or to arrive at a port of entry to Israel, their request would be denied.

3. **What measures have been taken in order to prevent the direct or indirect supply, sale and transfer of all arms and related material, spare parts and technical advice, assistance or training related to military activities to the individuals, groups, undertakings and entities associated with the Taliban and Al Qaida ?**

The *Oversight of Goods and Services Law* authorizes any Minister to regulate, by decree, the trade in goods and services under the purview of his/her Ministry. The Minister of Defense issued such an decree regulating the trade in military equipment and know-how in the *Goods and Services Oversight Decree (Export of Military Equipment and Knowledge), 1991*. This decree requires a person to obtain a permit issued by the Ministry of Defense before commencing negotiations for the export of military equipment, export of military knowledge (including instruction and training), or provision of advice or intermediary services in those fields. The export of this equipment or knowledge is subject to an additional permit. Among other considerations, the Ministry of Foreign Affairs is requested to provide its opinion as to the political ramifications of the granting of any permit.

Among other requirements, the potential exporter is required to present a valid End-User Certificate in which the end-user undertakes not to take the equipment or knowledge out of the destination country, and to present all necessary permits for the import of the equipment or knowledge into the destination country.

All of these permits may be revoked at any time.

Involvement in these activities without a permit is a criminal offence punishable by up to 3 years imprisonment.

In accordance with its obligations, Israel will not issue such permits to individuals or organizations identified by the Security Council as associated with the Taliban or Al Qaida.